

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Rosa Sanabria v. Lahey Clinic
Medical Center

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☐ I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☒ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Keith M. McLean, Esq.

ADDRESS Cooley Manion Jones LLP, 21 Custom House St., Boston, MA 02110

TELEPHONE NO. (617) 737-3100

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Rosa Sanabria

(b) County of Residence of First Listed Plaintiff Essex
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Ryan C. Siden (617) 549-8033
151 Tremont St., Suite 19S, Boston, MA 02111

DEFENDANTS Lahey Clinic Medical Center,
Sodexho, Inc. and Michael Talbert

County of Residence of First Listed Defendant Middlesex
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known) Keith M. McLean (617) 737-3
COOLEY MANION JONES LLP
21 Custom House St.
Boston, MA 02110

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	

V. ORIGIN

- (Place an "X" in One Box Only)
- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Brief description of cause:

Alleged violation of Title VII for sexual harassment.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

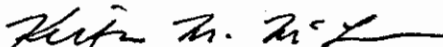
JUDGE

DOCKET NUMBER

DATE

9/14/05

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

DEPARTMENT OF THE TRIAL COURT
MIDDLESEX SUPERIOR COURT
Civil Action No. _____

ROSA SANABRIA,

Plaintiff,

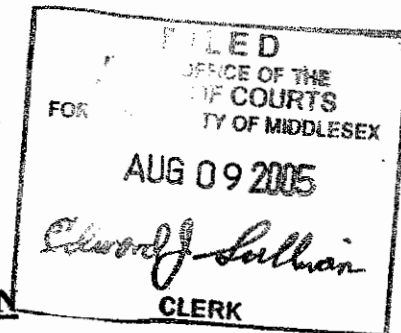
v.

LAHEY CLINIC MEDICAL CENTER,
SODEXHO, INC. AND MICHAEL TALBERT

Defendants.

05-2766

VERIFIED COMPLAINT



INTRODUCTION

This is an action brought by Rosa Sanabria, individual, against Lahey Clinic Medical Center, Sodexho, Inc. and Michael Talbert for violations of Mass. Gen. Law 151B, Section 4, Paragraphs (1) & (16A) and Title VII.

PARTIES

1. Plaintiff Rosa Sanabria ("Sanabria") is an individual who currently resides at 83 85 Center Street, Methuen, MA 01844-4353.
2. Defendant Lahey Clinic, Inc ("Lahey"), also known as Lahey Clinic Hospital, is a Massachusetts non-profit corporation with a principal place of business at 41 Mall Road, Burlington, MA 01803.
3. Defendant, Sodexho Operations, LLC, ("Sodexho") is a foreign limited liability company, with a principal place of business of 9801 Washington Boulevard, Gaithersburg, MD 20878.

9521E000008/09/05CIVIL	240.00
9521E000008/09/05SUR CHARGE	15.00
9521E000008/09/05ADDITIONS	15.00
9521E000008/09/05SECC	20.00

4. Lahey, through its Environmental Services Department, contracted with Sodexho for housekeeping services at the business location of 41 Mall Road, Burlington, MA.

5. Defendant, Michael Talbert, is an individual and was employed at the time of the discriminatory actions, upon information and belief, by Sodexho or Lahey at the 41 Mall Road, Burlington, MA location.

JURISDICTION

6. Plaintiff initially filed this matter with the Massachusetts Commission Against Discrimination ("MCAD") on February 11, 2004. See attached Exhibit A.

7. In accordance with Mass. Gen. Law c. 151B § 9, Plaintiff has secured the consent of the Commissioner of the MCAD to pursue her private right of action in court in the county where the alleged unlawful practice occurred. See attached Exhibit B.

8. The Plaintiff has filed this action no later than three years after the alleged unlawful practice occurred.

FACTS IN ALLEGATION

9. Sanabria is an El Salvadorian female who worked as a housekeeper at Lahey from approximately January of 2001 until April of 2003.

10. As a housekeeper, Sanabria's job duties included, but were not limited to, cleaning bathrooms, changing blankets, cleaning and making beds, mopping floors, and preparing rooms for medical patients.

11. Sanabria typically worked forty hours per week from 3:00 p.m. until 10:00 p.m., Tuesday through Saturday.

12. During her employment, Sanabria's supervisor, Michael Talbert ("Talbert"), who was the manager of all housekeepers, subjected Sanabria to sexual advances and verbal and physical conduct of a sexual nature.

13. Sanabria's submission to Talbert's conduct was explicitly and implicitly made a condition of Sanabria's employment and was used as a basis for employment decisions.

14. Talbert's advances and conduct had the purpose and effect of unreasonably interfering with Sanabria's work performance by creating an intimidating, hostile, humiliating and sexually offensive work environment.

15. Beginning in approximately May of 2001, Sanabria noticed Talbert staring at her salaciously and heard from a co-worker that Talbert had said that if he was not married, Talbert would marry Sanabria because he was "*so in love*" with Sanabria.

16. In approximately December of 2001 or January of 2002, Talbert terminated Sanabria's boyfriend, Carlos Pfeitez, who also worked at Lahey as a housekeeper.

17. When Sanabria asked Talbert why he fired Pfeitez, Talbert told Sanabria: "*you're better off without him*" and "*what else do you expect?*" Around this time, Talbert told one of Sanabria's co-workers to tell Sanabria that Pfeitez was "trash" and that Sanabria should "dump" Pfeitez.

18. Talbert, around this time, started making inappropriate comments to Sanabria, including: "*Hi sweetie*", "*Hi love*", "*I love you*", "*I love you so much*", "*you're pretty*", "*you're beautiful*" and "*hi mommie*."

19. Talbert would also repeatedly beep Sanabria's work beeper, which required Sanabria to reply back to Talbert.

20. Talbert would then often order Sanabria to come to his office.

21. Prior to August of 2002, Sanabria came to Talbert's office many times, where Michael would constantly ask Sanabria personal questions about her relationship with Pfeitez.

22. During these conversations, Talbert would often say: "*I love you*", "*dump Carlos*", and "*go out with me.*"

23. During this period of time, Talbert would often move physically closer to Sanabria when he saw her in the clinic. For example, one day they were riding in an elevator and Talbert moved from one side of the elevator to the other to be next to Sanabria. When Sanabria stepped away from Talbert, Talbert responded by asking Sanabria: "*what are you afraid of?*"

24. Talbert would also call Sanabria at her home and ask her personal questions.

25. Sanabria initially took Talbert's advances as a joke. However, as his advances persisted and intensified, Sanabria became more and more upset about them and sought professional help to cope.

26. Sanabria's boyfriend Carlos Pfeitez was well aware of Talbert's advances and Sanabria's relationship was negatively impacted as a result.

27. Sanabria's co-workers were also well aware of Talbert's feelings for Sanabria, as was Sanabria's young daughter, Tanya, who often answered phone calls from Talbert at Sanabria's home.

28. In approximately August of 2002, Sanabria was involved in a car accident, which resulted in her absence from work.

29. Sanabria informed Talbert of the accident when it happened, and Talbert responded by telling Sanabria: "*Don't worry, I'm going to keep your job open. Take as much time as you want.*"

30. It took Sanabria a few months to save enough money to buy another car so that she could return to work, but when she finally obtained another car, she called Talbert in approximately October of 2002.

31. During this call, Talbert told Sanabria that she could return to work, but only if she dumped Pfeitez.

32. In approximately November of 2002, Sanabria, desperate for her job back, called and told Talbert that she was now unattached even though she was still with Pfeitez.

33. Upon hearing this news from Sanabria, Talbert allowed Sanabria to return to work, but did not provide her with the full benefits (i.e., health insurance, etc.) that she had enjoyed prior to the accident.

34. After Sanabria returned to work, Talbert's advances were even more persistent than they had previously been.

35. Talbert called Sanabria into his office more frequently than before, sometimes five times a day. During one office visit, Talbert started massaging Sanabria's arms and shoulders without her consent.

36. At another office visit, Sanabria's daughter Tanya was present, and Talbert asked Tanya if Sanabria really had broken up with Pfeitez.

37. During this time period, Talbert would make comments to Sanabria that she had beautiful lips, hands and finger nails.

38. When Sanabria later cut her finger nails, Talbert ordered her to grow them back as they had been.

39. Sanabria started responding to Talbert's constant ringing of her beeper by telling him that she could not go to his office because she had work to do.

40. Talbert would respond by telling Sanabria that he had other people to do her work, and that she should just relax.

41. Sometimes, Talbert would show up near the rooms where Sanabria was working. When he would appear, the other employees would leave the area.

42. Talbert would then tell Sanabria: "*I'm in love with you*" and "*I like you*" and "*I love you*".

43. Sanabria tried many times to ask her co-workers why they would leave when Talbert would appear, and they would explain to her that "*Michael loves you*" and that Talbert would buy her a house or give financial assistance to Sanabria if she asked him for it.

44. Talbert would also sometimes bring Sanabria lunch and would frequently tell her when he was leaving work for the day and where he was going.

45. Talbert also gave Sanabria his cell phone number so that she could call him and speak with him outside of work.

46. Upset about Talbert's constant advances, Sanabria started calling in sick. In approximately February of 2003, she met with a medical doctor who told Sanabria that her job was adversely affecting her health and advised her to quit.

47. Sanabria asked the doctor to call Talbert and tell him that she was not able to work that day because she was sick.

48. The doctor did call Talbert as Sanabria had asked, and even after speaking with the doctor, Talbert called Sanabria at home.

49. Sanabria asked Talbert why he would call her when he had just spoken to the doctor, and Michael responded: "*I'm calling you because I don't care about your doctor; I don't*

62. Sanabria told Talbert that she would return to work if she could work the morning shift, and only when he was not there.

63. Talbert refused to allow her to work the morning shift and the morning shift supervisor told Sanabria that she could not work the morning shift without Talbert's permission.

64. Throughout Sanabria's time at Lahey, Talbert made unreciprocated sexual advances on Sanabria.

65. Talbert conditioned Sanabria's return to work on Sanabria being single, and caused Sanabria such distress that Sanabria was forced to quit.

66. Lahey and Sodexho knew or should have known about Talbert's conduct.

COUNT I
TITLE VII – SEXUAL HARASSMENT
(Sanabria Against Lahey, Sodexho and Talbert)

67. Sanabria realleges and incorporates paragraphs 1 through 66 above as if fully set forth herein.

68. Defendants Lahey, Sodexho and Talbert discriminated against Sanabria by subjecting her to conduct constituting sexual harassment.

69. This conduct substantially and unreasonably interfered with Sanabria's working conditions and ability to perform her work, in violation of Title VII.

70. As a direct and proximate consequence thereof, Sanabria has suffered damages, including but not limited to loss of income, loss of employment benefits, other financial losses, and physical and emotional distress.

COUNT II
M.G.L. c. 151B §§ 4(1) & 4 (16A) – SEXUAL HARASSMENT
Sanabria Against Lahey, Sodexho and Talbert

71. Sanabria realleges and incorporates paragraphs 1 through 70 above as if fully set forth herein.

72. Defendants Lahey, Sodexho and Talbert have discriminated against Sanabria by subjecting her to conduct constituting sexual harassment.

73. The conduct of the defendants Lahey, Sodexho and Talbert substantially and unreasonably interfered with Sanabria's working conditions and ability to perform her work, in violation of M.G.L. c. 151B, §§ 4(1) and/or 4(16A).

74. As a direct and proximate consequence thereof, Sanabria suffered damages including but not limited to loss of income, loss of employment benefits, other financial losses, loss of professional reputation, and physical and emotional distress.

RELIEF REQUESTED

WHEREFORE, Sanabria requests that this Court:

-
1. Award Sanabria compensatory damages, including emotional distress damages;
 2. Award Sanabria punitive damages;
 3. Award Sanabria reasonable attorneys' fees and costs;
 4. Award Sanabria statutory interest on their damages;
 5. Grant such further relief as the Court deems just and proper.

JURY TRIAL CLAIM

Sanabria requests a trial by jury on all claims so triable.

Respectfully submitted,

ROSA SANABRIA

By her attorney,



Ryan C. Siden (BBO #646138)

Siden & Associates, P.C.

151 Tremont Street, Suite 19S

Boston, MA 02111

(617) 549-8033

DATED: August 9, 2005

EXHIBIT A
THE CHARGE OF DISCRIMINATION

WAYNE, RICHARD & HURWITZ LLP

ATTORNEYS AT LAW
ONE BOSTON PLACE
BOSTON, MASSACHUSETTS 02108

(617) 720-7870 Tel.
(617) 720-7877 Fax.

JOSHUA M. BOWMAN
jbowman@wrhmlaw.com

CAPE COD OFFICE
889 WEST MAIN STREET
CENTERVILLE, MA 02632
(508) 775-7444

February 11, 2004

BY OVERNIGHT DELIVERY

Massachusetts Commission Against Discrimination
Attention: Merna Solod, Clerk
One Ashburton Place
Boston, MA 02108

RE: Rosa Sanabria v. Lahey Clinic Medical Center

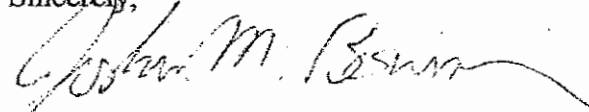
Dear Ms. Solod:

Enclosed for filing please find the Complaint brought by Ms. Rosa Sanabria against the Lahey Clinic Medical Center.

Thank very much for your assistance in filing this Complaint and initiating the investigatory process with the Attorney Assisted Unit of the MCAD.

Please do not hesitate to contact me with any questions.

Sincerely,



Joshua M. Bowman

Enc.

CC: Ms. Rosa Sanabria (via first class mail w/ copy of the enclosure)
22 Rush Street
Somerville, MA 02145

Massachusetts Commission Against Discrimination
(State or local Agency, if any)

and EEOC

(Indicate Mr., Ms., or Mrs.) • Rosa Sanabria		HOME TELEPHONE NO. (Include Area Code) (617) 625-2176
STREET ADDRESS 22 Rush Street	CITY, STATE AND ZIP CODE Somerville, MA 02145	COUNTY Middlesex
EMPLOYER IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)		
Lahey Clinic Medical Center	NO. OF EMPLOYEES/MEMBERS 50+	TELEPHONE NUMBER (Include Area Code) (617) 953-0768
STREET ADDRESS 41 Mail Road		CITY, STATE AND ZIP CODE Burlington, MA 01805
		TELEPHONE NUMBER (Include Area Code)
STREET ADDRESS		CITY, STATE AND ZIP CODE
OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> AGE <input type="checkbox"/> RETALIATION <input type="checkbox"/> OTHER (Specify)		DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, year)

ARTICULARS ARE (If additional space is needed, attached extra sheet(s)):

See Attached Exhibit A

I want this charge filed with the EEOC.
I will cooperate fully with them in the processing
and I will cooperate fully with them in the processing
in accordance with their procedures.

NOTARY (When necessary to meet State and Local Requirements)
John M. Brown my commission expires 3/13/07
 I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Under penalty of perjury that the foregoing is true
and correct.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

11th 06 February 2007

Charging Party (Signature)

**The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024**

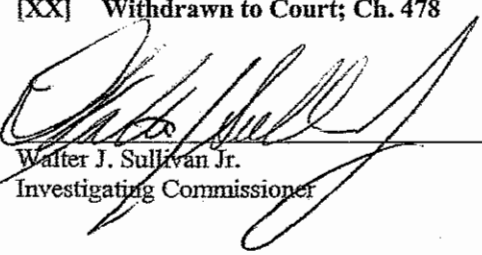
- DISMISSAL and NOTIFICATION of RIGHTS -

To: Ryan C. Siden, Esq. Siden & Associates, P.C. 151 Tremont Street, Suite 19-S Boston, MA 02111	Case: Rose Sanabria v. Lahey Clinic Medical Center MCAD Docket Number: 04BEM00673 EEOC Number: 16CA401172 Investigator: Nicholas Sun
--	---

Your complaint has been dismissed for the following reasons:

- ☐ The facts alleged fail to state a claim under any of the statutes the Commission enforces.
- ☐ Respondent employs less than the required number of employees.
- ☐ Your complaint was not timely filed with the Commission, i.e. you waited too long after the date(s) of the alleged discrimination to file. Because it was filed outside the time limit prescribed by law, the Commission cannot investigate your allegations.
- ☐ You failed to provide requested information, failed or refused to appear or to be available for necessary interviews/conference, or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your complaint. You have had more than 30 days in which to respond to our written request.
- ☐ The Commission's efforts to locate you have been unsuccessful. You have had at least 30 days in which to respond to a notice sent to your last known address.
- ☐ The Respondent has made a reasonable settlement, offering full relief for the harm you alleged. 30 days have expired since you received actual notice of this settlement offer.
- ☐ The Commission issues the following determination. Based upon the Commission's investigation, the Commission is unable to conclude that the information obtained establishes a violation of the statutes. This does not certify that the Respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this complaint.

☒ **Withdrawn to Court; Ch. 478**


Walter J. Sullivan Jr.
Investigating Commissioner


Date

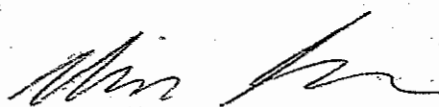
Cc: Lisa A. Paolillo, Esq.
Director, Legal Services
Lahey Clinic
41 Mall Road
Burlington, MA 01805

MEMORANDUM

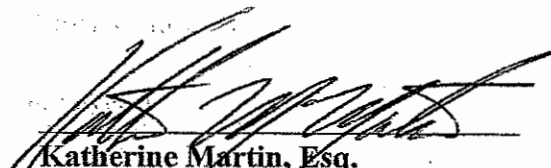
CASE: Rose Sanabria v. Lahey Clinic Medical Center
DOCKET NO: 04BEM00673
EEOC NO: 16CA401172 (25+ employees)
INVESTIGATOR: Nicholas Sun
RE: Removed to Court; Ch. 478

On February 12, 2004, complainant filed a complaint alleging that she had been discriminated against because of Sex (female) and Sexual Harassment in violation of Massachusetts General Laws, Chapter 151B, Section 4, Paragraph (1)(16A) and Title VII.

On June 15, 2005 the Complainant requested that the complaint be withdrawn from MCAD and EEOC because the Complainant intends to pursue a private right of action in Civil Court. It is recommended that the complaint be closed as Chapter 478.



Nicholas Sun
Compliance Officer


Katherine Martin, Esq.
Supervisor - Enforcement Unit II

CIVIL ACTION
COVER SHEETDOCKET NO. (S)
05-2766Trial Court of Massachusetts
Superior Court Department
County: MIDDLESEX

PLAINTIFF(S)

ROSA SANABRIA

DEFENDANT(S)

LAHEY CLINIC MEDICAL CENTER,
SODEXHO, INC. & MICHAEL TALBERT

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE

RYAN J. SIDEN, ESQ.
SIDEN & ASSOCIATES, P.C.
151 TREMONT ST, STE 19-S

(617) 549-8033

Board of Bar Overseers number:

646138

ATTORNEY (if known) - (FOR LAHEY ONLY)

LISA PAOLILLO, ESQ.
41 MALL ROAD
BURLINGTON, MA 01805

Origin code and track designation

Place an x in one box only:

- ☐ 1. F01 Original Complaint
- ☒ 2. F02 Removal to Sup.Ct. C.231,s.104
(Before trial) (F)
- ☐ 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

- ☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
- ☐ 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)
- ☐ 6. E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO.

TYPE OF ACTION (specify)

TRACK

IS THIS A JURY CASE?

B22

Sexual Harassment

(F)

(X) Yes () No

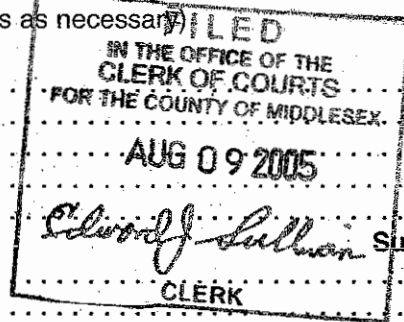
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses
2. Total Doctor expenses
3. Total chiropractic expenses
4. Total physical therapy expenses
5. Total other expenses (describe)



Subtotal \$

B. Documented lost wages and compensation to date

C. Documented property damages to date

D. Reasonably anticipated future medical and hospital expenses

E. Reasonably anticipated lost wages

F. Other documented items of damages (describe)

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

Plaintiff suffered a continuous pattern of sexual harassment from Sodexho/Lahey supervisor Michael Talbert from April 2001 to May 2003. Case removed from MCAD on 6/23/05 - initially filed at MCAD on 2/11/04

\$60,000
TOTAL \$60,000

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

DATE: 8/9/05

MICV2005-02766

Sanabria v Lahey Clinic Medical Center et al

File Date	08/09/2005	Status	Disposed: transfered to other court (dtrans)
Status Date	09/21/2005	Session	C - Cv C (11A Cambridge)
Origin	1	Case Type	B22 - Employment Discrimination
Lead Case		Track	F

Service	11/07/2005	Answer	01/06/2006	Rule12/19/20	01/06/2006
Rule 15	01/06/2006	Discovery	06/05/2006	Rule 56	07/05/2006
Final PTC	08/04/2006	Disposition	10/03/2006	Jury Trial	Yes

PARTIES

Plaintiff

Rosa Sanabria
Methuen, MA 01844-4353
Active 08/09/2005

Defendant

Lahey Clinic Medical Center
41 Mall Road
Burlington, MA 01803
Service pending 08/09/2005

Private Counsel 646138

Ryan C Siden
Siden & Associates PC
151 Tremont Street
Suite 19-S
Boston, MA 02111
Phone: 617-549-8033
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Active 08/09/2005 Notify

Private Counsel 636643

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Commonwealth of Massachusetts

MIDDLESEX SUPERIOR COURT

Case Summary

Civil Docket

MICV2005-02766

Sanabria v Lahey Clinic Medical Center et al

Defendant

Sodexo, Inc
9801 Washington Boulevard
Gaithersburg, MD 20878
Service pending 08/09/2005

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Defendant

Michael Talbert
41 Mall Road
Service pending 08/09/2005

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Commonwealth of Massachusetts

MIDDLESEX SUPERIOR COURT

Case Summary

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MICV2005-02766

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Active 09/21/2005 Notify

ENTRIES

Date	Paper	Text
08/09/2005	1.0	Complaint & civil action cover sheet filed
08/09/2005		Origin 1, Type B22, Track F.
08/10/2005	2.0	Plaintiff Rosa Sanabria's MOTION for appointment of special process server Suvalle and Jody Associates and Allowed. (Kern, J.)
09/21/2005	3.0	Case REMOVED this date to US District Court of Massachusetts by defts Lahey Clinic Medical Center, Sodexho, Inc and Michael Talbert
09/21/2005		ABOVE ACTION THIS DAY REMOVED TO US DISTRICT COURT

